



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,904	12/08/2003	Haru Ando	GOTO.0008	9309
38327	7590	01/22/2010	EXAMINER	
Juan Carlos A. Marquez c/o Stites & Harbison PLLC 1199 North Fairfax Street Suite 900 Alexandria, VA 22314-1437				MUSSELMAN, TIMOTHY A
ART UNIT		PAPER NUMBER		
3715				
			MAIL DATE	DELIVERY MODE
			01/22/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/728,904	ANDO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	TIMOTHY MUSSELMAN	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 October 2009.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 4,8 and 20-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 4,8 and 20-25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/27/2009</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Status of Claims***

In response to applicant's submission filed on 10/8/2009, claims 4, 8, and 20-25 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of the relevant portion of 35 U.S.C. 103 that forms the basis for the rejections made in this section of the office action;

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

**Claims 4, 20-21, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norcott et al. (US 6,775,518) in combination with Knutson (US 7,050,753) and Morton et al. (US 2005/216443).**

**Regarding claims 4, 21, and 23,** Norcott discloses an information management server, to distribute lecture material to a student terminal networked with said student terminal and an instructor terminal. See col. 4: 26-43 and col. 7: line 1. Norcott further discloses an accumulator section to accumulate electronic data on said lecture contents. See col. 2: 62-65, and note that the 'content media storage' is analogous to an accumulator section. Norcott further discloses a holding section to hold lecture-related information relating to the lecture contents. See col. 2: 62-65, and note that the 'test database' is analogous to a holding section for lecture related information, because the tests are related to the lectures (see col. 3: 19-22).

Art Unit: 3715

Norcott further discloses a send section to send said lecture contents and said lecture-related information to said student terminal. See col. 4: 26-30. Norcott further discloses an analyzer section to analyze electronic data on said lecture contents, and a matcher section to link said lecture-related information with said lecture contents based on said analysis results. See col. 6: 5-10. Norcott further discloses a control section for selecting lecture contents linked to said lecture related information based on a reply to said lecture-related contents sent from said student terminal. See col. 6: 32-47. Norcott further discloses a matching section for matching relevant portions of the lecture content with the lecture related information and supplying this remedial content to the student based on their replies to the lecture related information (i.e. remedial information is supplied based on the students answers to questions). See col. 6: 26-46. Norcott further discloses wherein the matched lecture content can be in the form of digital video or audio (see col. 6: 13-14). Norcott further discloses wherein said send section sends practice problems relating to said lecture contents as said lecture-related information, and said control section selects lecture contents linked with said practice problems based on true-false judgment results of replies to said practice problems sent from said student terminal. See col. 6: 22-46.

Norcott, while disclosing wherein the search for remedial content is based upon missed questions (col. 6: 22-46), does not disclose wherein the remedial content is selected based upon keywords. However, this manner of searching is known in the art of computer based education systems. Consider for example the system of Knutson, wherein it is disclosed in col. 4: 10-30 wherein keywords are used for searching for educational material. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this concept in other systems, including the system of Norcott, in order to automate the search for information and allow for more flexibility.

Norcott is also silent as to how, specifically, the remedial lecture content is selected, and specifically fails to teach of an analyzer for extracting text information and/or drawing information from video information contained in said lecture contents, and for extracting text information from audio or video information contained in said lecture contents, time stamping the extracted information by sentence and by drawing.

Art Unit: 3715

However, Morton discloses a system for extracting searchable information from media files that includes this feature. See paragraphs 0019 and 0059. Note that the searchable index constitutes information extracted from the media file. Also note that Morton teaches in paragraph 0028 the concept of time stamping the relevant returned media intervals. This is also clearly illustrated in fig. 7, label 330. Norcott further discloses in paragraph 0078 that the intervals can be grouped by specific sentences or visual objects. It is described in paragraphs 0189 and 0190 that the visual objects can be background information in the video scene. The example presented in this citation describes wherein the background information can be information extracted from slides during a lecture, and it is reasonably well known that lecture slides often contain drawings, and in fact, could be interpreted as drawings in and of themselves. Since Norcott discloses the remedial lecture presentations, and Norcott discloses searching media files specifically for use with educational systems and the presentation of remedial material (see paragraph 0019), it would have been obvious to one of ordinary skill in the art at the time of the invention to combine these teachings, since doing so would merely be fulfilling the intended use of the invention of Morton by utilizing it with a standard CBT system such as Norcott. Note that in paragraphs 0197 and 0198 Morton describes wherein the search terms are extracted from the audio and video, and the time segments of the spoken sentences and also the video with the relevant terms are collated on a time axis (collated in the sense that overlapping and adjacent intervals are joined).

**Regarding claims 20 and 25,** Morton describes wherein the search terms are extracted and the sentences with the relevant terms spoken are collated on a time axis with the video segments containing the word visually. See paragraphs 0197 and 0198. The terms are collated in the sense that overlapping and adjacent intervals are joined, and the intervals refer to both the audio and visual recognition of the key term. Note also that this extracted data is searched for the relevant terms (the reason it was extracted in the first place) which are related to the search for remedial information. The search for remedial information and further questions related to the remedial information are disclosed by Norcott in col. 6: 22-46. The combination of Norcott and Morton would be obvious to one of ordinary skill in the art for the reasons described above with regard to claims 4 and 23.

**Claims 8, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norcott et al. (US 6,775,518) in combination with Knutson (US 7,050,753), Morton et al. (US 2005/216443), and Remschel (US 6,411,796).**

**Regarding claims 8, 22, and 24,** Norcott/Morton fail to teach of grouping students. However, Remschel discloses a CBT which sorts students into groups to receive information based on success pertaining to previous assignments. See col. 8: 10-17. Note that the students are in class at the same time. The use of this concept in the system of Norcott would merely be an obvious combination of elements known in the art of computer based training systems to one of ordinary skill in the art, because there would be no unexpected results by nature of this combination, as the grouping concept would work identically in the system of Norcott as it does in Remschel.

### ***Response to Arguments***

Applicant's arguments dated 10/8/2009 have been fully considered, but are moot in view of the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY MUSSELMAN whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./  
Examiner of Art Unit 3715

/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3715